

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1722-2017 (O&M)
Date of decision: 04.02.2020

Ram Niwas

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Neeraj Sheoran, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the order/charge sheet dated 06.03.2017, vide which charges under Sections 323, 325, 341, 506, 307 read with Section 34 IPC were framed against the petitioner.

This petition is pending since 2017. On 11.07.2017, notice of motion was issued and further proceedings before the trial Court were stayed, by passing the following order: -

“Learned counsel for the petitioner inter alia contends that the injured/victim – Jasbir was initially medico legally examined on 21.04.2016 and four lacerated wounds were reported in his MLR. It is further contended that later on after a gap of about 44 days

his CT Scan was conducted in which fracture is reported on the right temporal region, thus, it is contended that there is a difference of opinion in the two medical reports.

It is further contended that in the statement made by Jasbir under Section 161 Cr.P.C., he has attributed only one blow on his head and on the application dated 08.07.2016 moved by the police seeking the opinion of the doctor as to whether the injury on the body of Jasbir is dangerous to life or not, the doctor has given his opinion that it was conservatively managed and thus, he says that once it is come on record that treatment of the complainant – Jasbir was not conducted under specialized manner, the offence under Section 307 IPC is not made out.

Notice of motion for 24.10.2017.

In the meantime, further proceedings before the trial Court shall remain stayed qua the petitioner.”

Learned State counsel, on instructions from SI Prem Singh and assisted by learned counsel for respondent No.2-complainant, has, however opposed the prayer on the ground that in fact, the CT scan of Jasbir-injured was done on 22.04.2016, wherein the Medical Officer, Govt. Hospital, Bhiwani had advised NCCT Head on the same day, when the MLR was conducted. It is submitted that however, the report was received after a period of 44 days and it is not case of the prosecution that CT scan was done after a long time. Learned State counsel has referred to opinion of the PGIMS, Rohtak dated 03.06.2016 and 08.07.2016 as well as opinion of the doctor dated 13.07.2016, wherein it is opined by Dr. Sanjay that as per opinion of Senior Resident, PGIMS, Rohtak

(CT Report, NCCT head), a thin extra axial hyper density fracture measuring 2.6 x 0.2 x 2 cm on right temporal region, fracture of right temporal parietal bone is a case of head injury, which may be dangerous to life.

Learned State counsel has further submitted that a clear opinion was given that injury sustained by victim Jasbir on his head, which is a fracture of right temporal parietal bone, is dangerous to life. It is thus argued that prima facie, the trial Court, while framing charge, had taken into consideration the medical opinion given by the doctor and therefore, at the stage of framing of charge, no illegality or irregularity was committed and it is a matter of trial whether Section 307 IPC is made out or not.

In view of the above, finding no merit in the present petition, same is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

04.02.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No